



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-4513/44

RJM:cmh:jf

rm is run

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

needed
today -
no changes

refer
cat

1 **AN ACT to repeal** 101.90, 101.96 and 196.01 (3m); **to renumber** 101.91 (2e); **to**
2 **renumber and amend** 101.91 (2g), 101.91 (2m), 101.91 (3), 101.91 (4) and
3 101.9218; **to amend** 100.21 (1) (a), 101.19 (1) (e), 101.71 (6) (b), 101.91 (1g),
4 101.91 (2) (intro.), 101.91 (5), 101.91 (6), 101.92 (1), 101.92 (2), 101.92 (3),
5 101.92 (4), 101.92 (5), 101.9202 (1), 101.9202 (3), 101.9203, 101.9204 (1) (b) to
6 (g), 101.9205 (1) and (3), 101.9206 (1) (c) and (d), (2) (a) 2. and (3) (a) and (b) 1.
7 and 2., 101.9208 (1) (a), (c), (d), (dm) and (g), 101.9209 (title), (1) to (4) and (5)
8 (a) and (b), 101.921, 101.9211 (1) to (3), (4) (a) (intro.), (b) 1. (intro.), b. and c. and
9 2. to 4., (c) and (d), 101.9212 (3), 101.9213 (1), (3) and (5) to (8), 101.9214 (intro.),
10 101.9215 (1), 101.9216 (1), (2) and (4), 101.9217 (2) (a), 101.9219 (2) (intro.) and
11 (a) and (3) (a) and (b), 101.922 (1) (b), 101.9221 (3) and (4), 101.9222 (title),
12 101.9222 (1) to (3) and (5) (a) (intro.) and (b), 101.93, 101.935 (title), 101.935 (1),
13 (2) (a) and (d) and (2m), 101.94 (3), (4) (intro.), (a) and (b) (intro.) and 1. to 3. and
14 (5), 101.94 (8) (a), 101.95, 101.951 (title), 101.951 (1) and (6) (n), 101.952 (title),
15 101.952 (1), (2) (a), (3), (5) and (6), 101.953 (1) (intro.) and (a) to (d), (3) and (4),

1 101.954, 101.955 (1), 101.965 (3), 138.056 (1) (b), 138.056 (1) (c), 138.09 (7) (jm)
2 1. b., 196.01 (3n), 196.01 (3p), 196.01 (3s), 196.26 (1m), 196.85 (2g), 341.05 (26)
3 (a), 422.201 (12m), 422.209 (1m) (a) 2. and 422.413 (2g) (intro.); **to repeal and**
4 **recreate** 101.9218 (title); and **to create** 101.91 (2) (c), 101.9218 (2) and 138.056
5 (1) (bm) of the statutes; **relating to:** the regulation of mobile homes and
6 manufactured homes and the financing of certain mobile home and
7 manufactured home transactions.

Analysis by the Legislative Reference Bureau

Under current law, the department of administration (DOA), the department of transportation (DOT) and the department of commerce each regulate mobile homes and manufactured homes. Currently, DOA regulates mobile home parks, mobile home dealers and mobile home salespersons; DOT regulates the registration and titling of mobile homes and the recording and perfecting of security interests in mobile homes; and the department of commerce regulates the manufacture of mobile homes. Under current law, DOA and DOT statutes govern mobile homes regardless of the date that the mobile homes were manufactured. However, under the department of commerce statutes the definition of "mobile home" includes only a mobile home that was manufactured before June 15, 1976.

Under 1999 Wisconsin Act 9, beginning on July 1, 2000, the regulation of mobile homes and manufactured homes will be consolidated in the department of commerce. Under 1999 Wisconsin Act 9, the definition of "mobile home" that will apply in these consolidated statutes includes only a mobile home that was manufactured before June 15, 1976.

This bill changes the scope of these consolidated statutes in order to ensure the continued regulation of mobile homes that were constructed on or after June 15, 1976. The bill makes conforming changes to other statutes, including the statutes that relate to the financing of mobile home transactions.

Currently, under *George v. Commercial Credit Corp.*, 440 F.2d 551 (7th Cir. 1971), which is persuasive, though not binding, authority in this state, DOT statutes relating to security interests in mobile homes do not apply to a mobile home that is a fixture to real estate. The bill also incorporates this holding into these consolidated statutes. Thus, under the bill, a manufactured home or mobile home that is a fixture to real estate is not subject to the consolidated statutes that relate to perfecting and giving notice of a security interest.

1 (1) This act takes effect on July 1, 2000.

2 (END)

SUBMITTAL FORM

LEGISLATIVE REFERENCE BUREAU Legal Section Telephone: 266-3561 5th Floor, 100 N. Hamilton Street

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 02/22/2000

To: Representative Sykora

Relating to LRB drafting number: LRB-4513

Topic

Mobile homes

Subject(s)

Buildings/Safety - bldg codes, Buildings/Safety - misc.

1. **JACKET** the draft for introduction Tom Sykora
in the Senate ____ or the Assembly ☒ (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction Tom Sykora.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Robert J. Marchant, Legislative Attorney
Telephone: (608) 261-4454

4513

Marchant, Robert

From: DuPont, Robert
Sent: Wednesday, February 23, 2000 10:37 AM
To: Marchant, Robert
Cc: Jermstad, Sara; Spooner, Christopher; Swaziek, Larry J.
Subject: RE: Mobile homes and manufactured homes

I agree with your assessment. Those three points are substantive and are not needed at this time. I spoke with Ross yesterday and he indicated that these points can be addressed later.

-----Original Message-----

From: Marchant, Robert
Sent: Wednesday, February 23, 2000 10:00 AM
To: DuPont, Robert
Cc: Jermstad, Sara
Subject: FW: Mobile homes and manufactured homes

Bob--

I received the following email from Ross regarding the mobile home draft. Because the issues raised in points 1., 2. and C. appear to be more substantive than the original intent of the bill, I have not included them in the most recent version of the bill (the "/2" version). Bob, could you take a look at these points and let Sara and me know if you agree?

Robert J. Marchant
Legislative Attorney
State of Wisconsin Legislative Reference Bureau
robert.marchant@legis.state.wi.us

-----Original Message-----

From: Ross [<mailto:ross@wmha.org>]
Sent: Tuesday, February 15, 2000 1:19 PM
To: Robert.marchant@legis.state.wi.us
Subject: Mobile homes and manufactured homes

Michael and Robert:

Here are my responses after reading Robert's drafting notes and reviewing the statute as it will be after 7/1/00.

1. 101.92(6) should either be repealed since it is preempted by federal law (42 usc 5401 to 5425 or provide that it only applies in the absence of federal law should it be repealed. 101.94(1) is ok as is.
2. repeal all of 101.925 on smoke detectors since it is covered by federal law and regulations see above and 24 CFR 3280.208. 101.94(2) is ok as is.
3. I agree with #3. Although an alternative would be to rewrite 101.90 to include licensing and titling in the purposes section.
- 4 and 5 I would defer to DFI. See A. below.
6. I defer to DOc
7. I'm not aware of any other issues but a cross reference check it seems

would have found spots where ch 101 definitions are used by reference. Otherwise DOA and DOT have other definitions which do not seem to be a problem now.

New Suggestions

A. 101.92(3) delete "or mobile homes" since by definition manufacturers can no longer build them.

B. 101.92(5) delete "and mobile homes" for the same reason as A.

C. 101.9203(1) perhaps we need to acknowledge here that many manufactured homes become improvements to realty subject to a mortgage. Might this paragraph be amended to provide that a n owner has an option to apply for a title if the home is an improvement to realty. The key is that some lenders will wrap a mortgage around a home and its land, in other cases, the lender would like to use the title process to secure his lien. See 70.043 and 101.9218 as well.

Ross Kinzler
Executive Director
Wisconsin Manufactured Housing Association

10:00 A.M. Today

RMNR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

DNOTE

re-gen

1 AN ACT *to repeal* 101.90, 101.96 and 196.01 (3m); *to renumber* 101.91 (2e); *to*
2 *renumber and amend* 101.91 (2g), 101.91 (2m), 101.91 (3), 101.91 (4) and
3 101.9218; *to amend* 100.21 (1) (a), 101.19 (1) (e), 101.71 (6) (b), 101.91 (1g),
4 101.91 (2) (intro.), 101.91 (5), 101.91 (6), 101.92 (1), 101.92 (2), 101.92 (3),
5 101.92 (4), 101.92 (5), 101.9202 (1), 101.9202 (3), 101.9203, 101.9204 (1) (b) to
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For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 100.21 (1) (a) of the statutes is amended to read:

2 100.21 (1) (a) "Dwelling unit" means a dwelling, as defined under s. 101.61, a
3 manufactured building, as defined under s. 101.71, a manufactured home ~~or mobile~~
4 ~~home~~, as defined under s. 101.91 (2), or a multifamily dwelling, as defined under s.
5 101.971 (2).

6 **SECTION 2.** 101.19 (1) (e) of the statutes is amended to read:

7 101.19 (1) (c) The review of plans, construction inspections, department labels
8 and licensing of manufacturers of manufactured homes ~~and mobile homes~~.

9 **SECTION 3.** 101.71 (6) (b) of the statutes is amended to read:

10 101.71 (6) (b) "Manufactured building" does not mean any manufactured home
11 ~~or mobile home~~ under s. 101.91 or any building of open construction which is not
12 subject to par. (a) 2.

13 **SECTION 4.** 101.90 of the statutes is repealed.

14 **SECTION 5.** 101.91 (1g) of the statutes, as created by 1999 Wisconsin Act 9, is
15 amended to read:

16 101.91 (1g) "Delivery date" means the date on which a ~~mobile~~ manufactured
17 home is physically delivered to the site chosen by the ~~mobile home~~ owner of the
18 manufactured home.

19 **SECTION 6.** 101.91 (2) (intro.) of the statutes is amended to read:

20 101.91 (2) (intro.) "Manufactured home" means ~~either~~ any of the following:

21 **SECTION 7.** 101.91 (2) (c) of the statutes is created to read:

INSERT
3-13
→

1 101.91 (2) (c) A mobile home, unless a mobile home is specifically excluded
2 under the applicable statute.

3 **SECTION 8.** 101.91 (2e) of the statutes, as affected by 1999 Wisconsin Act 9, is
4 renumbered 101.91 (2k).

5 **SECTION 9.** 101.91 (2g) of the statutes, as created by 1999 Wisconsin Act 9, is
6 renumbered 101.91 (2b), and 101.91 (2b) (intro.) and (e) of the statutes, as
7 renumbered, are amended to read:

8 101.91 (2b) (intro.) “Mobile Manufactured home dealer” means a person who,
9 for a commission or other thing of value, sells, exchanges, buys or rents, or offers or
10 attempts to negotiate a sale or exchange of an interest in, mobile manufactured
11 homes or who is engaged wholly or partially in the business of selling mobile
12 manufactured homes, whether or not the mobile manufactured homes are owned by
13 the person, but does not include:

14 (e) A person transferring a mobile manufactured home used for that person’s
15 personal, family or household purposes, if the transfer is an occasional sale and is
16 not part of the business of the transferor.

17 **SECTION 10.** 101.91 (2m) of the statutes, as created by 1999 Wisconsin Act 9,
18 is renumbered 101.91 (2d) and amended to read:

19 101.91 (2d) “Mobile Manufactured home owner” means any person who
20 purchases, or leases from another, a mobile manufactured home primarily for use for
21 personal, family or household purposes.

22 **SECTION 11.** 101.91 (3) of the statutes, as affected by 1999 Wisconsin Act 9, is
23 renumbered 101.91 (2f) and amended to read:

24 101.91 (2f) “Mobile Manufactured home park” means any plot or plots of
25 ground upon which 3 or more ~~mobile homes or~~ manufactured homes that are

1 occupied for dwelling or sleeping purposes are located. “Mobile Manufactured home
2 park” does not include a farm where the occupants of the ~~mobile homes or~~
3 manufactured homes are the father, mother, son, daughter, brother or sister of the
4 farm owner or operator or where the occupants of the ~~mobile homes or~~ manufactured
5 homes work on the farm.

6 **SECTION 12.** 101.91 (4) of the statutes, as created by 1999 Wisconsin Act 9, is
7 renumbered 101.91 (2h) and amended to read:

8 101.91 (2h) “Mobile Manufactured home salesperson” means any person who
9 is employed by a ~~mobile~~ manufactured home manufacturer or ~~mobile~~ manufactured
10 home dealer to sell or lease ~~mobile~~ manufactured homes.

11 **SECTION 13.** 101.91 (5) of the statutes, as created by 1999 Wisconsin Act 9, is
12 amended to read:

13 101.91 (5) “New ~~mobile~~ manufactured home” means a ~~mobile~~ manufactured
14 home that has never been occupied, used or sold for personal or business use.

15 **SECTION 14.** 101.91 (6) of the statutes, as created by 1999 Wisconsin Act 9, is
16 amended to read:

17 101.91 (6) “Used ~~mobile~~ manufactured home” means a ~~mobile~~ manufactured
18 home that has previously been occupied, used or sold for personal or business use.

19 **SECTION 15.** 101.92 (1) of the statutes is amended to read:

20 101.92 (1) Shall adopt, administer and enforce rules for the safe and sanitary
21 design and construction of manufactured homes ~~and mobile homes that are~~
22 manufactured, distributed, sold or offered for sale in this state.

23 **SECTION 16.** 101.92 (2) of the statutes is amended to read:

24 101.92 (2) Shall license all manufacturers desiring to sell or distribute for sale
25 manufactured homes ~~or mobile homes~~ in this state.

SECTION 17. 101.92 (3) of the statutes is amended to read:

101.92 (3) Shall review annually the rules adopted under ~~ss. 101.90 to 101.96~~,
and may revise rules upon recommendation by the advisory committee appointed
under s. 101.96 ~~101.95~~ this subchapter

SECTION 18. 101.92 (4) of the statutes is amended to read:

101.92 (4) Shall provide for announced or unannounced inspection of
manufacturing facilities, processes, fabrication and assembly of manufactured
homes and mobile homes to ensure compliance with the rules adopted under ~~ss.~~
~~101.90 to 101.96~~ this subchapter to (8) are ✓

SECTION 19. 101.92 (5) of the statutes is amended to read:

101.92 (5) Shall establish standards for certification of inspection and testing
agencies which shall include standards for in-plant inspection of manufacturing
facilities, processes, fabrication and assembly of manufactured homes and mobile
homes and for issuance of or acceptance of a label of approval.

SECTION 20. 101.9202 (1) of the statutes, as created by 1999 Wisconsin Act 9,
is amended to read:

101.9202 (1) A lien given by statute or rule of law to a supplier of services or
materials for the ~~mobile~~ manufactured home.

SECTION 21. 101.9202 (3) of the statutes, as created by 1999 Wisconsin Act 9,
is amended to read:

101.9202 (3) A security interest in a ~~mobile~~ manufactured home created by a
~~mobile~~ manufactured home dealer or manufacturer who holds the ~~mobile~~
manufactured home for sale, which shall be governed by the applicable provisions
of ch. 409.

1 **SECTION 22.** 101.9203 of the statutes, as created by 1999 Wisconsin Act 9, is
2 amended to read:

3 **101.9203 When certificate of title required.** (1) The owner of a ~~mobile~~
4 manufactured home situated in this state or intended to be situated in this state
5 shall make application for certificate of title under s. 101.9209 for the ~~mobile~~
6 manufactured home if the owner has newly acquired the ~~mobile~~ manufactured home.

7 (2) Any owner who situates in this state a ~~mobile~~ manufactured home for which
8 a certificate of title is required without such ~~the~~ certificate of title having been issued
9 or applied for, knowing that the certificate of title has not been issued or applied for,
10 may be required to forfeit not more than \$200. A certificate of title is considered to
11 have been applied for when the application accompanied by the required fee has been
12 delivered to the department or deposited in the mail properly addressed and with
13 postage prepaid.

14 (3) Unless otherwise authorized by rule of the department, a nonresident
15 owner of a ~~mobile~~ manufactured home situated in this state may not apply for a
16 certificate of title under this subchapter unless the ~~mobile~~ manufactured home is
17 subject to a security interest or except as provided in s. 101.9209 (1) (a).

18 **SECTION 23.** 101.9204 (1) (b) to (g) of the statutes, as created by 1999 Wisconsin
19 Act 9, are amended to read:

20 101.9204 (1) (b) A description of the ~~mobile~~ manufactured home, including
21 make, model, identification number and any other information or documentation
22 that the department may reasonably require for proper identification of the ~~mobile~~
23 manufactured home.

1 (c) The date of purchase by the applicant, the name and address of the person
2 from whom the ~~mobile~~ manufactured home was acquired and the names and
3 addresses of any secured parties in the order of their priority.

4 (d) If the ~~mobile~~ manufactured home is a new ~~mobile~~ manufactured home being
5 titled for the first time, the signature of the ~~mobile~~ manufactured home dealer. The
6 document of origin shall contain the information specified by the department.

7 (e) Any further evidence of ownership which the department may reasonably
8 require to enable it to determine whether the owner is entitled to a certificate of title
9 and the existence or nonexistence of security interests in the ~~mobile~~ manufactured
10 home.

11 (f) If the identification number of the ~~mobile~~ manufactured home has been
12 removed, obliterated or altered, or if the original casting has been replaced, or if the
13 ~~mobile~~ manufactured home has not been numbered by the manufacturer, the
14 application for certificate of title shall so state.

15 (g) If the ~~mobile~~ manufactured home is a used ~~mobile~~ manufactured home
16 which was last previously titled in another jurisdiction, the applicant shall furnish
17 any certificate of ownership issued by the other jurisdiction and a statement
18 pertaining to the title history and ownership of the ~~mobile~~ manufactured home, such
19 statement to be in the form that the department prescribes.

20 **SECTION 24.** 101.9205 (1) and (3) of the statutes, as created by 1999 Wisconsin
21 Act 9, are amended to read:

22 101.9205 (1) The department shall maintain a record of each application for
23 certificate of title received by it and, when satisfied as to its genuineness and
24 regularity and that the applicant is entitled to the issuance of a certificate of title,
25 shall issue and deliver a certificate to the owner of the ~~mobile~~ manufactured home.

1 (3) The department shall charge a fee of not less than \$2 for conducting a file
2 search of ~~mobile~~ manufactured home title records.

3 **SECTION 25.** 101.9206 (1) (c) and (d), (2) (a) 2. and (3) (a) and (b) 1. and 2. of the
4 statutes, as created by 1999 Wisconsin Act 9, are amended to read:

5 101.9206 (1) (c) The title number assigned to the ~~mobile~~ manufactured home.

6 (d) A description of the ~~mobile~~ manufactured home, including make, model and
7 identification number.

8 (2) (a) 2. Reassignment and warranty of title by a ~~mobile~~ manufactured home
9 dealer.

10 (3) (a) Unless the applicant fulfills the requirements of par. (b), the department
11 shall issue a distinctive certificate of title for a ~~mobile~~ manufactured home last
12 previously registered in another jurisdiction if the laws of the other jurisdiction do
13 not require that secured parties be named on a certificate of title to perfect their
14 security interests. The certificate shall contain the legend "This ~~mobile~~
15 manufactured home may be subject to an undisclosed security interest" and may
16 contain any other information that the department prescribes. If the department
17 receives no notice of a security interest in the ~~mobile~~ manufactured home within 4
18 months from the issuance of the distinctive certificate of title, the department shall,
19 upon application and surrender of the distinctive certificate, issue a certificate of
20 title in ordinary form.

21 (b) 1. The applicant is a ~~mobile~~ manufactured home dealer and is financially
22 responsible as substantiated by the last financial statement on file with the
23 department, a finance company licensed under s. 138.09, a bank organized under the
24 laws of this state, or a national bank located in this state.

1 2. The applicant has filed with the department a bond in the form prescribed
2 by the department and executed by the applicant, and either accompanied by the
3 deposit of cash with the department or also executed by a person authorized to
4 conduct a surety business in this state. The bond shall be in an amount equal to 1.5
5 times the value of the ~~mobile~~ manufactured home as determined by the department
6 and conditioned to indemnify any prior owner and secured party and any subsequent
7 purchaser of the ~~mobile~~ manufactured home or person acquiring any security
8 interest in it, and their respective successors in interest, against any expense, loss
9 or damage, including reasonable attorney fees, by reason of the issuance of the
10 certificate of title of the ~~mobile~~ manufactured home or on account of any defect in or
11 undisclosed security interest upon the right, title and interest of the applicant in and
12 to the ~~mobile~~ manufactured home. Any such interested person has a right of action
13 to recover on the bond for any breach of its conditions, but the aggregate liability of
14 the surety to all persons shall not exceed the amount of the bond. The bond, and any
15 deposit accompanying it, shall be returned at the end of 5 years or prior thereto if,
16 apart from this section, a nondistinctive certificate of title could then be issued for
17 the ~~mobile~~ manufactured home.

18 **SECTION 26.** 101.9208 (1) (a), (c), (d), (dm) and (g) of the statutes, as created by
19 1999 Wisconsin Act 9, are amended to read:

20 101.9208 (1) (a) For filing an application for the first certificate of title, \$8.50,
21 by the owner of the ~~mobile~~ manufactured home.

22 (c) For the original notation and subsequent release of each security interest
23 noted upon a certificate of title, a single fee of \$4 by the owner of the ~~mobile~~
24 manufactured home.

1 (d) For a certificate of title after a transfer, \$8.50, by the owner of the ~~mobile~~
2 manufactured home.

3 (dm) Upon filing an application under par. (a) or (d), a supplemental title fee
4 of \$7.50 by the owner of the ~~mobile~~ manufactured home, except that this fee shall be
5 waived with respect to an application under par. (d) for transfer of a decedent's
6 interest in a ~~mobile~~ manufactured home to his or her surviving spouse. The fee
7 specified under this paragraph is in addition to any other fee specified in this section.

8 (g) For a replacement certificate of title, \$8, by the owner of the ~~mobile~~
9 manufactured home.

10 **SECTION 27.** 101.9209 (title), (1) to (4) and (5) (a) and (b) of the statutes, as
11 created by 1999 Wisconsin Act 9, are amended to read:

12 **101.9209 (title) Transfer of interest in a ~~mobile~~ manufactured home. (1)**

13 (a) If an owner transfers an interest in a ~~mobile~~ manufactured home, other than by
14 the creation of a security interest, the owner shall, at the time of the delivery of the
15 ~~mobile~~ manufactured home, execute an assignment and warranty of title to the
16 transferee in the space provided therefor on the certificate, and cause the certificate
17 to be mailed or delivered to the transferee.

18 (b) Any person who holds legal title of a ~~mobile~~ manufactured home with one
19 or more other persons may transfer ownership of the ~~mobile~~ manufactured home
20 under this subsection if legal title to the ~~mobile~~ manufactured home is held in the
21 names of such persons in the alternative, including a ~~mobile~~ manufactured home
22 held in a form designating the holder by the words "(name of one person) or (name
23 of other person)".

24 (2) Promptly after delivery to him or her of the ~~mobile~~ manufactured home, the
25 transferee shall execute the application for a new certificate of title in the space

1 provided therefor on the certificate or as the department prescribes, and cause the
2 certificate and application to be mailed or delivered to the department.

3 (3) A transfer by an owner is not effective until the provisions of this section
4 have been complied with. An owner who has delivered possession of the ~~mobile~~
5 manufactured home to the transferee and has complied with the provisions of this
6 section requiring action by him or her is not liable as owner for any damages
7 thereafter resulting from use of the mobile home.

8 (4) Any owner of a ~~mobile~~ manufactured home for which a certificate of title
9 has been issued, who upon transfer of the ~~mobile~~ manufactured home fails to execute
10 and deliver the assignment and warranty of title required by sub. (1), may be
11 required to forfeit not more than \$500.

12 (5) (a) Any transferee of a mobile home who fails to make application for a new
13 certificate of title immediately upon transfer to him or her of a ~~mobile~~ manufactured
14 home may be required to forfeit not more than \$200.

15 (b) Any transferee of a ~~mobile~~ manufactured home who, with intent to defraud,
16 fails to make application for a new certificate of title immediately upon transfer to
17 him or her of a ~~mobile~~ manufactured home may be fined not more than \$1,000 or
18 imprisoned for not more than 30 days or both.

19 **SECTION 28.** 101.921 of the statutes, as created by 1999 Wisconsin Act 9, is
20 amended to read:

21 **101.921 Transfer to or from dealer.** (1) (a) Except as provided in par. (b),
22 if a ~~mobile~~ manufactured home dealer acquires a ~~mobile~~ manufactured home and
23 holds it for resale or accepts a ~~mobile~~ manufactured home for sale on consignment,
24 the ~~mobile~~ manufactured home dealer may not submit to the department the
25 certificate of title or application for certificate of title naming the ~~mobile~~

1 manufactured home dealer as owner of the ~~mobile~~ manufactured home. Upon
2 transferring the ~~mobile~~ manufactured home to another person, the ~~mobile~~
3 manufactured home dealer shall immediately give the transferee, on a form
4 prescribed by the department, a receipt for all title, security interest and sales tax
5 moneys paid to the ~~mobile~~ manufactured home dealer for transmittal to the
6 department when required. The ~~mobile~~ manufactured home dealer shall promptly
7 execute the assignment and warranty of title, showing the name and address of the
8 transferee and of any secured party holding a security interest created or reserved
9 at the time of the resale or sale on consignment, in the spaces provided therefor on
10 the certificate or as the department prescribes. Within 7 business days following the
11 sale or transfer, the ~~mobile~~ manufactured home dealer shall mail or deliver the
12 certificate or application for certificate to the department with the transferee's
13 application for a new certificate. A nonresident who purchases a ~~mobile~~
14 manufactured home from a ~~mobile~~ manufactured home dealer in this state may not,
15 unless otherwise authorized by rule of the department, apply for a certificate of title
16 issued for the ~~mobile~~ manufactured home in this state unless the ~~mobile~~
17 manufactured home dealer determines that a certificate of title is necessary to
18 protect the interests of a secured party. The ~~mobile~~ manufactured home dealer is
19 responsible for determining whether a certificate of title and perfection of security
20 interest is required. The ~~mobile~~ manufactured home dealer is liable for any damages
21 incurred by the department or any secured party for the ~~mobile~~ manufactured home
22 dealer's failure to perfect a security interest which the ~~mobile~~ manufactured home
23 dealer had knowledge of at the time of sale.

24 (b) Except when all available spaces for a ~~mobile~~ manufactured home dealer's
25 reassignment on a certificate of title have been completed or as otherwise authorized

1 by rules of the department, a ~~mobile~~ manufactured home dealer who acquires a
2 ~~mobile~~ manufactured home and holds it for resale or accepts a ~~mobile~~ manufactured
3 home for sale on consignment may not apply for a certificate of title naming the
4 ~~mobile~~ manufactured home dealer as owner of the ~~mobile~~ manufactured home.

5 (c) Unless exempted by rule of the department, a ~~mobile~~ manufactured home
6 dealer who acquires a ~~mobile~~ manufactured home and holds it for resale shall make
7 application for a certificate of title naming the ~~mobile~~ manufactured home dealer as
8 owner of the ~~mobile~~ manufactured home when all of the available spaces for a ~~mobile~~
9 manufactured home dealer's reassignment on the certificate of title for such ~~mobile~~
10 manufactured home have been completed.

11 (2) Every ~~mobile~~ manufactured home dealer shall maintain for 5 years a record
12 of every ~~mobile~~ manufactured home bought, sold or exchanged, or received for sale
13 or exchange. The record shall be open to inspection by a representative of the
14 department or by a peace officer during reasonable business hours. The dealer shall
15 maintain the record in the form prescribed by the department.

16 (3) Any ~~mobile~~ manufactured home dealer who fails to comply with this section
17 may be required to forfeit not more than \$200.

18 **SECTION 29.** 101.9211 (1) to (3), (4) (a) (intro.), (b) 1. (intro.), b. and c. and 2. to
19 4., (c) and (d) of the statutes, as created by 1999 Wisconsin Act 9, are amended to read:

20 101.9211 (1) If the interest of an owner in a ~~mobile~~ manufactured home passes
21 to another other than by voluntary transfer, the transferee shall, except as provided
22 in sub. (2), promptly mail or deliver to the department the last certificate of title, if
23 available, and the documents required by the department to legally effect such
24 transfer, and an application for a new certificate in the form that the department
25 prescribes.

1 (2) If the interest of the owner is terminated or the ~~mobile~~ manufactured home
2 is sold under a security agreement by a secured party named in the certificate of title,
3 the transferee shall promptly mail or deliver to the department the last certificate
4 of title, an application for a new certificate in the form that the department
5 prescribes, and a statement made by or on behalf of the secured party that the ~~mobile~~
6 manufactured home was repossessed and that the interest of the owner was lawfully
7 terminated or sold under the terms of the security agreement.

8 (3) A person holding a certificate of title whose interest in the ~~mobile~~
9 manufactured home has been extinguished or transferred other than by voluntary
10 transfer shall mail or deliver the certificate to the department upon request of the
11 department. The delivery of the certificate pursuant to the request of the
12 department does not affect the rights of the person surrendering the certificate, and
13 the action of the department in issuing a new certificate of title is not conclusive upon
14 the rights of an owner or secured party named in the old certificate.

15 (4) (a) (intro.) In all cases of the transfer of a ~~mobile~~ manufactured home owned
16 by a decedent, except under par. (b), ward, trustee or bankrupt, the department shall
17 accept as sufficient evidence of the transfer of ownership all of the following:

18 (b) 1. (intro.) The department shall transfer the decedent's interest in any
19 ~~mobile~~ manufactured home to his or her surviving spouse upon receipt of the title
20 executed by the surviving spouse and a statement by the spouse which shall state
21 all of the following:

22 b. The approximate value and description of the ~~mobile~~ manufactured home.

23 c. That the spouse is personally liable for the decedent's debts and charges to
24 the extent of the value of the ~~mobile~~ manufactured home, subject to s. 859.25.

25 2. The transfer shall not affect any liens upon the ~~mobile~~ manufactured home.

1 3. Except as provided in subd. 4., this paragraph is limited to no more than 5
2 ~~mobile~~ manufactured homes titled in this state that are less than 20 years old at the
3 time of the transfer under this paragraph. There is no limit on transfer under this
4 paragraph of ~~mobile~~ manufactured homes titled in this state that are 20 or more
5 years old at the time of transfer under this paragraph.

6 4. The limit in subd. 3. does not apply if the surviving spouse is proceeding
7 under s. 867.03 (1g) and the total value of the decedent's solely owned property in the
8 state, including the ~~mobile~~ manufactured homes transferred under this paragraph,
9 does not exceed \$10,000.

10 (c) Upon compliance with this subsection, the department shall bear neither
11 liability nor responsibility for the transfer of such ~~mobile~~ manufactured homes in
12 accordance with this section.

13 (d) This subsection does not apply to transfer of interest in a ~~mobile~~
14 manufactured home under s. 101.9209 (1) (b).

15 **SECTION 30.** 101.9212 (3) of the statutes, as created by 1999 Wisconsin Act 9,
16 is amended to read:

17 101.9212 (3) The department shall retain for 5 years a record of every
18 surrendered certificate of title, the record to be maintained so as to permit the tracing
19 of title of the ~~mobile~~ manufactured home designated therein.

20 **SECTION 31.** 101.9213 (1), (3) and (5) to (8) of the statutes, as created by 1999
21 Wisconsin Act 9, are amended to read:

22 101.9213 (1) Unless excepted by s. 101.9202, a security interest in a ~~mobile~~
23 manufactured home of a type for which a certificate of title is required is not valid
24 against creditors of the owner or subsequent transferees or secured parties of the
25 ~~mobile~~ manufactured home unless perfected as provided in ss. 101.9202 to 101.9218.

1 (3) If a secured party whose name and address is contained on the certificate
2 of title for a ~~mobile~~ manufactured home acquires a new or additional security interest
3 in the ~~mobile~~ manufactured home, such security interest is perfected at the time of
4 its attachment under s. 409.203.

5 (5) The rules of priority stated in s. 409.312, and the other sections therein
6 referred to, shall, to the extent appropriate, apply to conflicting security interests in
7 a ~~mobile~~ manufactured home of a type for which a certificate of title is required, or
8 in a previously certificated ~~mobile~~ manufactured home, as defined in s. 101.9222 (1).
9 A security interest perfected under this section or under s. 101.9222 (4) or (5) is a
10 security interest perfected otherwise than by filing for purposes of s. 409.312.

11 (6) The rules stated in ss. 409.501 to 409.507 governing the rights and duties
12 of secured parties and debtors and the requirements for, and effect of, disposition of
13 a ~~mobile~~ manufactured home by a secured party, upon default shall, to the extent
14 appropriate, govern the rights of secured parties and owners with respect to security
15 interests in ~~mobile~~ manufactured homes perfected under ss. 101.9202 to 101.9218.

16 (7) If a ~~mobile~~ manufactured home is subject to a security interest when
17 brought into this state, s. 409.103 (1), (2) and (3) states the rules which apply to
18 determine the validity and perfection of the security interest in this state.

19 (8) Upon request of a person who has perfected a security interest under this
20 section, as shown by the records of the department, in a ~~mobile~~ manufactured home
21 titled in this state, whenever the department receives information from another
22 state that the ~~mobile~~ manufactured home is being titled in the other state and the
23 information does not show that the security interest has been satisfied, the
24 department shall notify the person. The person shall pay the department a \$2 fee
25 for each notification.

1 **SECTION 32.** 101.9214 (intro.) of the statutes, as created by 1999 Wisconsin Act
2 9, is amended to read:

3 **101.9214 Duties on creation of security interest.** (intro.) If an owner
4 creates a security interest in a ~~mobile~~ manufactured home, unless the name and
5 address of the secured party already is contained on the certificate of title for the
6 ~~mobile~~ manufactured home:

7 **SECTION 33.** 101.9215 (1) of the statutes, as created by 1999 Wisconsin Act 9,
8 is amended to read:

9 101.9215 (1) A secured party may assign, absolutely or otherwise, the party's
10 security interest in the ~~mobile~~ manufactured home to a person other than the owner
11 without affecting the interest of the owner or the validity of the security interest, but
12 any person without notice of the assignment is protected in dealing with the secured
13 party as the holder of the security interest and the secured party remains liable for
14 any obligations as a secured party until the assignee is named as secured party on
15 the certificate.

16 **SECTION 34.** 101.9216 (1), (2) and (4) of the statutes, as created by 1999
17 Wisconsin Act 9, are amended to read:

18 101.9216 (1) Within one month or within 10 days following written demand by
19 the debtor after there is no outstanding obligation and no commitment to make
20 advances, incur obligations or otherwise give value, secured by the security interest
21 in a ~~mobile~~ manufactured home under any security agreement between the owner
22 and the secured party, the secured party shall execute and deliver to the owner, as
23 the department prescribes, a release of the security interest in the form and manner
24 prescribed by the department and a notice to the owner stating in no less than
25 10-point boldface type the owner's obligation under sub. (2). If the secured party

1 fails to execute and deliver the release and notice of the owner's obligation as
2 required by this subsection, the secured party is liable to the owner for \$25 and for
3 any loss caused to the owner by the failure.

4 (2) The owner, other than a ~~mobile~~ manufactured home dealer holding the
5 ~~mobile~~ manufactured home for resale, upon receipt of the release and notice of
6 obligation shall promptly cause the certificate and release to be mailed or delivered
7 to the department, which shall release the secured party's rights on the certificate
8 and issue a new certificate.

9 (4) Removal of information pertaining to a security interest from the records
10 of the department under sub. (3) does not affect any security agreement between the
11 owner of a ~~mobile~~ manufactured home and the holder of security interest in the
12 ~~mobile~~ manufactured home.

13 **SECTION 35.** 101.9217 (2) (a) of the statutes, as created by 1999 Wisconsin Act
14 9, is amended to read:

15 101.9217 (2) (a) An owner shall promptly deliver the owner's certificate of title
16 to any secured party who is named on it or who has a security interest in the ~~mobile~~
17 manufactured home described in it under any other applicable prior law of this state,
18 upon receipt of a notice from such secured party that the security interest is to be
19 assigned, extended or perfected. Any owner who fails to deliver the certificate of title
20 to a secured party requesting it under this paragraph shall be liable to such secured
21 party for any loss caused to the secured party thereby and may be required to forfeit
22 not more than \$200.

23 **SECTION 36.** 101.9218 (title) of the statutes, as created by 1999 Wisconsin Act
24 9, is repealed and recreated to read:

1 **101.9218 (title) Applicability of manufactured home security**
2 **provisions.**

3 **SECTION 37.** 101.9218 of the statutes, as created by 1999 Wisconsin Act 9, is
4 renumbered 101.9218 (1) and amended to read:

5 101.9218 (1) METHOD OF PERFECTING EXCLUSIVE. The Except as provided in sub.
6 (2), the method provided in ss. 101.921 to ~~101.9218~~ 101.9217 of perfecting and giving
7 notice of security interests subject to ss. 101.921 to ~~101.9218~~ 101.9217 is exclusive.
8 Security interests subject to ss. 101.921 to ~~101.9218~~ 101.9217 are ~~hereby exempted~~
9 exempt from the provisions of law which otherwise require or relate to the filing of
10 instruments creating or evidencing security interests.

11 **SECTION 38.** 101.9218 (2) of the statutes is created to read:

12 101.9218 (2) FIXTURES EXCLUDED. Notwithstanding ss. 101.921 to 101.9217, the
13 method provided in ss. 101.921 to 101.9217 of perfecting and giving notice of security
14 interests does not apply to a manufactured home that is a fixture to real estate.

15 **SECTION 39.** 101.9219 (2) (intro.) and (a) and (3) (a) and (b) of the statutes, as
16 created by 1999 Wisconsin Act 9, are amended to read:

17 101.9219 (2) (intro.) If the department is not satisfied as to the ownership of
18 the ~~mobile~~ manufactured home or that there are no undisclosed security interests in
19 it, the department, subject to sub. (3), shall either:

20 (a) Withhold issuance of a certificate of title until the applicant presents
21 documents reasonably sufficient to satisfy the department as to the applicant's
22 ownership of the ~~mobile~~ manufactured home and that there are no undisclosed
23 security interests in it; or

24 (3) (a) The applicant is a ~~mobile~~ manufactured home dealer licensed under s.
25 101.951 and is financially responsible as substantiated by the last financial

1 statement on file with the department, a finance company licensed under s. 138.09
2 or 218.01, a bank organized under the laws of this state, or a national bank located
3 in this state.

4 (b) The applicant has filed with the department a bond in the form prescribed
5 by the department and executed by the applicant, and either accompanied by the
6 deposit of cash with the department or also executed by a person authorized to
7 conduct a surety business in this state. The bond shall be in an amount equal to 1.5
8 times the value of the ~~mobile~~ manufactured home as determined by the department
9 and conditioned to indemnify any prior owner and secured party and any subsequent
10 purchaser of the ~~mobile~~ manufactured home or person acquiring any security
11 interest in it, and their respective successors in interest, against any expense, loss
12 or damage, including reasonable attorney fees, by reason of the issuance of the
13 certificate of title of the ~~mobile~~ manufactured home or on account of any defect in or
14 undisclosed security interest upon the right, title and interest of the applicant in and
15 to the ~~mobile~~ manufactured home. Any such interested person has a right of action
16 to recover on the bond for any breach of its conditions, but the aggregate liability of
17 the surety to all persons shall not exceed the amount of the bond. The bond, and any
18 deposit accompanying it, shall be returned at the end of 5 years or prior thereto if,
19 apart from this section, a nondistinctive certificate of title could then be issued for
20 the ~~mobile~~ manufactured home, or if the currently valid certificate of title for the
21 ~~mobile~~ manufactured home is surrendered to the department, unless the
22 department has been notified of the pendency of an action to recover on the bond.

23 SECTION 40. 101.922 (1) (b) of the statutes, as created by 1999 Wisconsin Act
24 9, is amended to read:

1 101.922 (1) (b) That the ~~mobile~~ manufactured home has been scrapped,
2 dismantled or destroyed. (1) (b),

3 SECTION 41. 101.9221 (3) and (4) of the statutes, as created by 1999 Wisconsin
4 Act 9, are amended to read:

5 ~~101.9221~~ (3) The applicant is a ~~mobile~~ manufactured home dealer and is
6 prohibited from applying for a certificate of title under s. 101.921 (1) (a) or (b).

7 (4) Except as provided in ss. 101.9203 (3) and 101.921 (1) (a) for a certificate
8 of title and registration for a ~~mobile~~ manufactured home owned by a nonresident, the
9 applicant is a nonresident and the issuance of a certificate of title has not otherwise
10 been authorized by rule of the department.

11 SECTION 42. 101.9222 (title) of the statutes, as created by 1999 Wisconsin Act
12 9, is amended to read:

13 101.9222 (title) **Previously certificated ~~mobile~~ manufactured homes.**

14 SECTION 43. 101.9222 (1) to (3) and (5) (a) (intro.) and (b) of the statutes, as
15 created by 1999 Wisconsin Act 9, are amended to read:

16 101.9222 (1) In this section, "previously certificated ~~mobile~~ manufactured
17 home" means a ~~mobile~~ manufactured home for which a certificate of title has been
18 issued by the department of transportation prior to July 1, 2000.

19 (2) Sections 101.9213 to 101.9218 do not apply to a previously certificated
20 ~~mobile~~ manufactured home until one of the following occurs:

21 (a) There is a transfer of ownership of the ~~mobile~~ manufactured home.

22 (b) The department of commerce issues a certificate of title of the ~~mobile~~
23 manufactured home under this chapter.

24 (3) If the department is not satisfied that there are no undisclosed security
25 interests, created before July 1, 2000, in a previously certificated ~~mobile~~

1 manufactured home, the department shall, unless the applicant fulfills the
2 requirements of s. 101.9219 (3), issue a distinctive certificate of title of the ~~mobile~~
3 manufactured home containing the legend “This ~~mobile~~ manufactured home may be
4 subject to an undisclosed security interest” and any other information that the
5 department prescribes.

6 (5) (a) (intro.) If a security interest in a previously certificated ~~mobile~~
7 manufactured home is perfected under any other applicable law of this state on
8 July 1, 2000, the security interest continues perfected:

9 (b) If a security interest in a previously certificated ~~mobile~~ manufactured home
10 was created, but was unperfected, under any other applicable law of this state on
11 July 1, 2000, it may be perfected under par. (a), but such perfection dates only from
12 the date of the department’s receipt of the certificate.

13 **SECTION 44.** 101.93 of the statutes is amended to read:

14 **101.93 Departmental powers and duties.** (1) The department shall adopt
15 rules relating to plumbing in the design and construction of manufactured homes
16 ~~and mobile homes~~. The rules shall be consistent with s. 101.94 (1) to (3) and shall
17 be reviewed annually.

18 (2) The department shall establish qualification requirements for and shall
19 certify persons to perform inspections of the plumbing systems in manufactured
20 homes ~~and mobile homes~~.

21 (3) The department shall review plans and specifications for approval of
22 plumbing systems in manufactured homes ~~and mobile homes~~.

23 **SECTION 45.** 101.935 (title) of the statutes, as affected by 1999 Wisconsin Act
24 9, is amended to read:

25 **101.935 (title) Mobile Manufactured home park regulation.**

1 **SECTION 46.** 101.935 (1), (2) (a) and (d) and (2m) of the statutes, as affected by
2 1999 Wisconsin Act 9, are amended to read:

3 101.935 (1) The department shall license and regulate ~~mobile~~ manufactured
4 home parks. The department may investigate ~~mobile~~ manufactured home parks
5 and, with notice, may enter and inspect private property.

6 (2) (a) The department or a village, city or county granted agent status under
7 par. (e) shall issue permits to and regulate ~~mobile~~ manufactured home parks. No
8 person, state or local government who has not been issued a permit under this
9 subsection may conduct, maintain, manage or operate a ~~mobile~~ manufactured home
10 park.

11 (d) A permit may not be issued under this subsection until all applicable fees
12 have been paid. If the payment is by check or other draft drawn upon an account
13 containing insufficient funds, the permit applicant shall, within 15 days after receipt
14 of notice from the department of the insufficiency, pay by cashier's check or other
15 certified draft, money order or cash the fees to the department, late fees and
16 processing charges that are specified by rules promulgated by the department. If the
17 permit applicant fails to pay all applicable fees, late fees and the processing charges
18 within 15 days after the applicant receives notice of the insufficiency, the permit is
19 void. In an appeal concerning voiding of a permit under this paragraph, the burden
20 is on the permit applicant to show that the entire applicable fees, late fees and
21 processing charges have been paid. During any appeal process concerning a
22 payment dispute, operation of the ~~mobile~~ manufactured home park in question is
23 considered to be operation without a permit.

24 (2m) (a) The department shall inspect a ~~mobile~~ manufactured home park in
25 the following situations:

1 1. Upon completion of the construction of a ~~mobile~~ manufactured home park.

2 2. Whenever a ~~mobile~~ manufactured home park is modified, as defined by the
3 department by rule.

4 3. Whenever the department receives a complaint about a ~~mobile~~
5 manufactured home park

6 (b) The department may, with notice, inspect a ~~mobile~~ manufactured home
7 park whenever the department determines an inspection is appropriate.

8 **SECTION 47.** 101.94 (3), (4) (intro.), (a) and (b) (intro.) and 1. to 3. and (5) of the
9 statutes are amended to read:

10 101.94 (3) Each manufactured home ~~or mobile home~~ manufacturer shall
11 submit to the department typical construction plans and specifications for review.
12 The department shall, by its own inspectors whether inside or outside this state,
13 perform sufficient inspections of manufacturing premises and manufactured units
14 to ensure compliance with this section. The department may contract for inspection
15 services, as provided in sub. (4), for inspections outside this state. Each
16 manufactured home ~~or mobile home~~, upon final assembly, shall display a label which
17 shall be prescribed by and be available only from the department, or similar agency
18 of other states where units are manufactured, providing reciprocal agreements have
19 been executed and are effective between this state and such other states indicating
20 that the manufactured home ~~or mobile home~~ meets the requirements of ~~ss. 101.96~~
21 ~~to 101.96~~ ^{this subchapter} or the applicable laws of the state with which a reciprocal agreement has
22 been executed. No manufactured home ~~or mobile home~~ which bears such label shall
23 be required by any person to comply with any building, plumbing, heating or
24 electrical code or any construction standards other than those promulgated under
25 this section.

1 (4) (intro.) The department shall inspect manufactured homes ~~and mobile~~
2 ~~homes~~ manufactured in other states to be sold or intended to be sold in this state.
3 For such out-of-state inspections, the department may contract for 3rd party
4 inspection by an inspection agency which has been approved by the department. The
5 department shall monitor inspections conducted by 3rd party inspection agencies to
6 ensure the quality of those inspections. To obtain departmental approval, the
7 inspection agency shall submit an application to the department accompanied by
8 written materials evidencing that the agency is:

9 (a) Not under the jurisdiction or control of any manufacturer or supplier of the
10 manufactured home ~~or mobile home~~ industry.

11 (b) (intro.) Professionally competent to determine that a manufactured home
12 ~~or mobile home~~ is in compliance with the requirements and standards of this section
13 by having sufficient expertise to do all of the following:

- 14 1. Inspect manufactured homes ~~or mobile homes~~.
15 2. Review manufactured home ~~or mobile home~~ plans and specifications.
16 3. Evaluate manufactured home ~~or mobile home~~ manufacturer quality control
17 procedures.

18 (5) No manufactured home ~~or mobile home~~ after once being approved to display
19 the label prescribed shall be altered in any way by a manufacturer, factory branch,
20 distributor, distributor branch, dealer or salesperson without first obtaining an
21 approval from the department or its authorized agent.

22 SECTION 48. 101.94 (8) (a) of the statutes, as affected by 1999 Wisconsin Act 9,
23 is amended to read:

24 101.94 (8) (a) Except as provided in par. (c), a person who violates this
25 subchapter, a rule promulgated under this subchapter or an order issued under this

1 subchapter shall forfeit not more than \$1,000 for each violation. Each violation of
2 this subchapter constitutes a separate violation with respect to each manufactured
3 home ~~or mobile home~~ or with respect to each failure or refusal to allow or perform
4 an act required by this subchapter, except the maximum forfeiture under this
5 subsection may not exceed \$1,000,000 for a related series of violations occurring
6 within one year of the first violation.

7 SECTION 49. 101.95 of the statutes is amended to read:

8 101.95 **Manufactured home and ~~mobile~~ home manufacturers**
9 **regulated.** The department shall by rule prescribe the manner by which a
10 manufacturer shall be licensed for the manufacture, distribution or selling of
11 manufactured homes ~~or mobile homes~~ in this state.

12 SECTION 50. 101.951 (title) of the statutes, as created by 1999 Wisconsin Act
13 9, is amended to read:

14 101.951 (title) **Mobile Manufactured home dealers regulated.**

15 SECTION 51. 101.951 (1) and (6) (n) of the statutes, as created by 1999 Wisconsin
16 Act 9, are amended to read:

17 101.951 (1) No person may engage in the business of selling ~~mobile~~
18 manufactured homes to a consumer or to the retail market in this state unless first
19 licensed to do so by the department as provided in this section.

20 (6) (n) Having violated any law relating to the sale, distribution or financing
21 of ~~mobile~~ manufactured homes.

22 SECTION 52. 101.952 (title) of the statutes, as created by 1999 Wisconsin Act
23 9, is amended to read:

24 101.952 (title) **Mobile Manufactured home salespersons regulated.**

1 **SECTION 53.** 101.952 (1), (2) (a), (3), (5) and (6) of the statutes, as created by
2 1999 Wisconsin Act 9, are amended to read:

3 101.952 (1) No person may engage in the business of selling ~~mobile~~
4 manufactured homes to a consumer or to the retail market in this state without a
5 license therefor from the department. If a ~~mobile~~ manufactured home dealer acts as
6 a ~~mobile~~ manufactured home salesperson the dealer shall secure a ~~mobile~~
7 manufactured home salesperson's license in addition to the license for engaging as
8 a ~~mobile~~ manufactured home dealer.

9 (2) (a) Applications for a ~~mobile~~ manufactured home salesperson's license and
10 renewals thereof shall be made to the department on such forms as the department
11 prescribes and furnishes and shall be accompanied by the license fee required under
12 par. (c) or (d). The application shall include the applicant's social security number.
13 In addition, the application shall require such pertinent information as the
14 department requires.

15 (3) Every licensee shall carry his or her license when engaged in his or her
16 business and display the same upon request. The license shall name his or her
17 employer, and, in case of a change of employer, the ~~mobile~~ manufactured home
18 salesperson shall immediately mail his or her license to the department, which shall
19 endorse that change on the license without charge.

20 (5) The provision of s. 218.01 (3) relating to the denial, suspension and
21 revocation of a motor vehicle salesperson's license shall apply to the denial,
22 suspension and revocation of a ~~mobile~~ manufactured home salesperson's license so
23 far as applicable, except that such provision does not apply to the denial, suspension
24 or revocation of a license under s. 101.02 (21) (b).

1 (6) The provisions of s. 218.01 (3) (g) and (5) shall apply to this section, ~~mobile~~
2 manufactured home sales practices and the regulation of ~~mobile~~ manufactured home
3 salespersons, as far as applicable.

4 **SECTION 54.** 101.953 (1) (intro.) and (a) to (d), (3) and (4) of the statutes, as
5 created by 1999 Wisconsin Act 9, are amended to read:

6 101.953 (1) (intro.) A one-year written warranty is required for every new
7 ~~mobile~~ manufactured home sold, or leased to another, by a ~~mobile~~ manufactured
8 home manufacturer, ~~mobile~~ manufactured home dealer or ~~mobile~~ manufactured
9 home salesperson in this state, and for every new ~~mobile~~ manufactured home sold
10 by any person who induces a resident of the state to enter into the transaction by
11 personal solicitation in this state or by mail or telephone solicitation directed to the
12 particular consumer in this state. The warranty shall state all of the following:

13 (a) That the ~~mobile~~ manufactured home meets those standards prescribed by
14 law or administrative rule of the department of administration or of the department
15 of commerce, which are in effect at the time of the manufacture of the ~~mobile~~
16 manufactured home.

17 (b) That the ~~mobile~~ manufactured home is free from defects in material and
18 workmanship and is reasonably fit for human habitation if it receives reasonable
19 care and maintenance as defined by rule of the department.

20 (c) 1. That the ~~mobile~~ manufactured home manufacturer and ~~mobile~~
21 manufactured home dealer shall take corrective action for defects which become
22 evident within one year from the delivery date and as to which the ~~mobile~~
23 manufactured home owner has given notice to the manufacturer or dealer not later
24 than one year and 10 days after the delivery date and at the address set forth in the
25 warranty; and that the ~~mobile~~ manufactured home manufacturer and ~~mobile~~

1 ~~mobile~~ manufactured home dealer shall make the appropriate adjustments and repairs,
2 within 30 days after notification of the defect, at the site of the ~~mobile~~ manufactured
3 home without charge to the ~~mobile~~ manufactured home owner. If the ~~mobile~~
4 manufactured home dealer makes the adjustment, the ~~mobile~~ manufactured home
5 manufacturer shall fully reimburse the dealer.

6 2. If a repair, replacement, substitution or alteration is made under the
7 warranty and it is discovered, before or after expiration of the warranty period, that
8 the repair, replacement, substitution or alteration has not restored the ~~mobile~~
9 manufactured home to the condition in which it was warranted except for reasonable
10 wear and tear, such failure shall be considered a violation of the warranty and the
11 ~~mobile~~ manufactured home shall be restored to the condition in which it was
12 warranted to be at the time of the sale except for reasonable wear and tear, at no cost
13 to the purchaser or the purchaser's assignee notwithstanding that the additional
14 repair may occur after the expiration of the warranty period.

15 (d) That if during any period of time after notification of a defect the ~~mobile~~
16 manufactured home is uninhabitable, as defined by rule of the department, that
17 period of time shall not be considered part of the one-year warranty period.

18 (3) The warranty required under this section shall apply to the manufacturer
19 of the ~~mobile~~ manufactured home as well as to the ~~mobile~~ manufactured home dealer
20 who sells or leases the ~~mobile~~ manufactured home to the consumer, and shall be in
21 addition to any other rights and privileges that the consumer may have under any
22 instrument or law. The waiver of any remedies under any law and the waiver,
23 exclusion, modification or limitation of any warranty, express or implied, including
24 the implied warranty of merchantability and fitness for a particular purpose, is
25 expressly prohibited. Any such waiver is void.

1 (4) The transfer of a ~~mobile~~ manufactured home from one ~~mobile~~ manufactured
2 home owner to another during the effective period of the warranty does not terminate
3 the warranty, and subsequent ~~mobile~~ manufactured home owners shall be entitled
4 to the full protection of the warranty for the duration of the warranty period as if the
5 original ~~mobile~~ manufactured home owner had not transferred the ~~mobile~~
6 manufactured home.

7 **SECTION 55.** 101.954 of the statutes, as created by 1999 Wisconsin Act 9, is
8 amended to read:

9 **101.954 Sale or lease of used ~~mobile~~ manufactured homes.** In the sale
10 or lease of any used ~~mobile~~ manufactured home, the sales invoice or lease agreement
11 shall contain the point of manufacture of the used ~~mobile~~ manufactured home, the
12 name of the manufacturer and the name and address of the previous ~~mobile home~~
13 owner of the manufactured home.

14 **SECTION 56.** 101.955 (1) of the statutes, as created by 1999 Wisconsin Act 9, is
15 amended to read:

16 **101.955 (1)** The importation of a ~~mobile~~ manufactured home for sale in this
17 state by an out-of-state manufacturer is considered an irrevocable appointment by
18 that manufacturer of the department of financial institutions to be that
19 manufacturer's true and lawful attorney upon whom may be served all legal
20 processes in any action or proceeding against such manufacturer arising out of the
21 importation of such ~~mobile~~ manufactured home into this state.

22 **SECTION 57.** 101.96 of the statutes is repealed.

23 **SECTION 58.** 101.965 (3) of the statutes, as created by 1999 Wisconsin Act 9, is
24 amended to read:

1 101.965 (3) Nothing in this subchapter prohibits the bringing of a civil action
2 against a ~~mobile~~ manufactured home manufacturer, ~~mobile~~ manufactured home
3 dealer or ~~mobile~~ manufactured home salesperson by an aggrieved consumer. If
4 judgment is rendered for the consumer based on an act or omission by the ~~mobile~~
5 manufactured home manufacturer, ~~mobile~~ manufactured home dealer or ~~mobile~~
6 manufactured home salesperson, which constituted a violation of this subchapter,
7 the plaintiff shall recover actual and proper attorney fees in addition to costs
8 otherwise recoverable.

9 SECTION 59. 138.056 (1) (b) of the statutes, as affected by 1999 Wisconsin Act
10 9, is amended to read:

11 138.056 (1) (b) "Dwelling" includes a cooperative housing unit and a mobile
12 home, ~~as defined in s. 101.91 (2e).~~ [plain text]

13 SECTION 60. 138.056 (1) (bm) of the statutes is created to read:

14 138.056 (1) (bm) "Mobile home" means a vehicle designed to be towed as a
15 single unit or in sections upon a highway by a motor vehicle and equipped and used,
16 or intended to be used, primarily for human habitation, with walls of rigid
17 uncollapsible construction. "Mobile home" includes the mobile home structure,
18 including the plumbing, heating and electrical systems and all appliances and all
19 other equipment carrying a manufacturer's warranty.

20 SECTION 61. 138.056 (1) (c) of the statutes, as affected by 1999 Wisconsin Act
21 9, is amended to read:

22 138.056 (1) (c) "Mobile home transaction" means a consumer credit sale, as
23 defined in s. 421.301 (9), of or a consumer loan, as defined in s. 421.301 (12), secured
24 by a first lien or equivalent security interest in a mobile home, ~~as defined in s. 101.91~~
25 (2e).

1 **SECTION 62.** 138.09 (7) (jm) 1. b. of the statutes, as affected by 1999 Wisconsin
2 Act 9, is amended to read:

3 138.09 (7) (jm) 1. b. The loan administration fee is charged for a consumer loan
4 that is secured primarily by an interest in real property or in a mobile home, as
5 defined in s. ~~101.91 (2e)~~ 138.056 (1) (bm).

6 **SECTION 63.** 196.01 (3m) of the statutes, as created by 1997 Wisconsin Act 229,
7 is repealed.

8 **SECTION 64.** 196.01 (3n) of the statutes, as affected by 1997 Wisconsin Act 229
9 and 1999 Wisconsin Act 9, is amended to read:

10 196.01 (3n) “Mobile home” has the meaning given in ~~s. 101.91 (2e)~~ for
11 “manufactured home” in s. 101.91 (2).

12 **SECTION 65.** 196.01 (3p) of the statutes, as created by 1997 Wisconsin Act 229,
13 is amended to read:

14 196.01 (3p) “Mobile home park” means any tract of land containing 2 or more
15 individual plots of land that are rented or offered for rent for the accommodation of
16 a ~~mobile home or manufactured home~~.

17 **SECTION 66.** 196.01 (3s) of the statutes, as created by 1997 Wisconsin Act 229,
18 is amended to read:

19 196.01 (3s) “Mobile home park occupant” means a person who rents or owns
20 a mobile home ~~or manufactured home~~ in a mobile home park.

21 **SECTION 67.** 196.26 (1m) of the statutes, as affected by 1997 Wisconsin Act 229,
22 is amended to read:

23 196.26 (1m) COMPLAINT AND INVESTIGATION. If any mercantile, agricultural or
24 manufacturing society, body politic, municipal organization or 25 persons file a
25 complaint specified in sub. (1) (a) 1. against a public utility, or if the commission

1 terminates a proceeding on a complaint under s. 196.199 (3) (a) 1m. b., or if a person
2 files a complaint specified in sub. (1) (a) 3., the commission, with or without notice,
3 may investigate the complaint under this section as it deems necessary. If the mobile
4 home park occupants of 25% of the total number of ~~manufactured homes or mobile~~
5 homes in a mobile home park or the mobile home park occupants of 25 ~~manufactured~~
6 ~~homes or mobile homes~~ in a mobile home park, whichever is less, files a complaint
7 against a mobile home park contractor or mobile home park operator, the
8 commission, with or without notice, may investigate the complaint as it deems
9 necessary. The commission may not issue an order based on an investigation under
10 this subsection without a public hearing.

11 **SECTION 68.** 196.85 (2g) of the statutes, as created by 1997 Wisconsin Act 229,
12 is amended to read:

13 196.85 (2g) The commission shall annually, within 90 days after the
14 commencement of each fiscal year, assess against mobile home park operators the
15 total amount appropriated under s. 20.155 (1) (i). The commission shall assess each
16 mobile home park operator an amount in proportion to the total number of mobile
17 homes ~~and manufactured homes~~ in all mobile home parks owned or managed by the
18 mobile home park operator on July 1 of the current fiscal year as a fraction of the total
19 number of mobile homes ~~and manufactured homes~~ in all mobile home parks in this
20 state on July 1 of the current fiscal year. If necessary, the commission shall adjust
21 the amount assessed to correct any incorrect assessment that was made in a prior
22 fiscal year. A mobile home park operator shall pay the assessment within 30 days
23 after the commission mails the bill to the mobile home park operator. The bill
24 constitutes notice of the assessment and demand for payment. Payments shall be
25 credited to the the appropriation account under s. 20.155 (1) (i).

1 **SECTION 69.** 341.05 (26) (a) of the statutes, as created by 1999 Wisconsin Act
2 9, is amended to read:

3 341.05 (26) (a) Is a mobile home, as defined in s. 101.91 (2e), or a manufactured
4 home, as defined in s. 101.91 (2).

5 **SECTION 70.** 422.201 (12m) of the statutes, as affected by 1999 Wisconsin Act
6 9, is amended to read:

7 422.201 (12m) This section does not apply to consumer credit sales of or
8 consumer loans secured by a first lien on or equivalent security interest in mobile
9 homes as defined in s. ~~101.91 (2e)~~ 138.056 (1) (bm), if the sales or loans are made on
10 or after November 1, 1981.

11 **SECTION 71.** 422.209 (1m) (a) 2. of the statutes, as affected by 1999 Wisconsin
12 Act 9, is amended to read:

13 422.209 (1m) (a) 2. The loan administration fee is for a consumer loan that is
14 secured primarily by an interest in real property or in a mobile home, as defined in
15 s. ~~101.91 (2e)~~ 138.056 (1) (bm).

16 **SECTION 72.** 422.413 (2g) (intro.) of the statutes, as affected by 1999 Wisconsin
17 Act 9, is amended to read:

18 422.413 (2g) (intro.) In any consumer credit transaction in which the collateral
19 is a motor vehicle as defined in s. 340.01 (35), a trailer as defined in s. 340.01 (71),
20 a snowmobile as defined in s. 340.01 (58a), a boat as defined in s. 30.50 (2), an aircraft
21 as defined in s. 114.002 (3), or a mobile home as defined in s. ~~101.91 (2e)~~ 138.056 (1)
22 (bm), a writing evidencing the transaction may provide for the creditor's recovery of
23 all of the following expenses, if the expenses are reasonable and bona fide:

24 **SECTION 73. Effective date.**

1 (1) This act takes effect on July 1, 2000.

2 (END)

**1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

12 ins A
LRB-4513/MSA
RJM:.....

INSERT 3-13

SECTION 1. 101.91 (intro.) of the statutes is amended to read:

101.91 Definitions. (intro.) In ss. ~~101.90 to 101.96~~ this subchapter:

✓ **INSERT 6-14**

(6) May enter into reciprocal agreements with other states regarding the design, construction, inspection and labeling of ~~mobile~~ manufactured homes where the laws or rules of other states meet the intent of ss. ~~101.90 to 101.96~~ this subchapter and where the laws or rules are actually enforced.

(7) Shall establish a staff for the administration and enforcement of ss. ~~101.90 to 101.96~~ this subchapter.

(8) May revoke the license of any manufacturer who violates ss. ~~101.90 to 101.96~~ this subchapter or any rules promulgated thereunder.

✓ **INSERT 22-4**

101.9221 (1) (a) The person alleged to be the owner of the ~~mobile~~ manufactured home is not the owner.

INSERT 26-21

SECTION 2. 101.94 (7) of the statutes is amended to read:

101.94 (7) The department shall hear and decide petitions brought under ss. ~~101.90 to 101.96~~ this subchapter in the manner provided under s. 101.02 (6) (e) to (i) and (8) for petitions concerning property.

DRAFT

RJM/crm/lt

This draft is the same as the "1" version, except that this draft corrects a few other cross-references. ~~and~~ Please let me know if you have any questions.

[name: RJM]

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4513/2dn
RJM:cmh:kjf

February 23, 2000

This draft is the same as the "/1" version, except that this draft corrects a few other cross-references. Please let me know if you have any questions.

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